



**Cook Shire**  
**COUNCIL**

# **Cook Shire Council**

**Subordinate Local Law No. 2**  
**(Animal Management) 2016**

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 2 (Animal Management) 2016*.

### 2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 2 (Animal Management) 2016*, which provides for regulation of the keeping and control of animals within the local government's area.
- (2) The purpose is to be achieved by providing for—
  - (a) the circumstances in which the keeping of animals is prohibited or requires approval; and
  - (b) requirements for keeping animals, including minimum standards, mandatory desexing, proper enclosures, koala conservation and identification; and
  - (c) the control of animals in public places; and
  - (d) matters regarding the impounding of animals and the sale or disposal of impounded animals; and
  - (e) the conditions to be complied with by persons who offer animals, or a particular species of animals, for sale; and
  - (f) the declaration of a species of animal as a declared dangerous animal and the criteria for declaration of a specific animal as a declared dangerous animal.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 2 (Animal Management) 2016* (the **authorising local law**).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law unless otherwise defined in Schedule 14 of this Subordinate Local Law.

## Part 2 Keeping of animals

### 5 Circumstances in which keeping animals prohibited—Authorising local law, s 5(1)

For section 5(1) of the authorising local law, keeping an animal or animals mentioned in column 1 of schedule 1 is prohibited in the circumstances described in column 2 of schedule 1.

**6 Circumstances in which keeping animals requires approval—Authorising local law, s 6(1)**

For section 6(1) of the authorising local law, keeping an animal or animals of the species or breed mentioned in column 1 of schedule 2 requires approval in the circumstances described in column 2 of schedule 2.

**7 Animals that must be desexed—Authorising local law, s 7**

For section 7 of the authorising local law, an animal of the species or breed mentioned in column 1 of schedule 3 must be desexed once it reaches the age specified in column 2 of schedule 3 except in the circumstances described in column 3 of schedule 3.

**8 Minimum standards for keeping animals—Authorising local law, s 8(1)**

- (1) For section 8(1) of the authorising local law, the minimum standards for the keeping of animals are set out in schedule 4.
- (2) For section 8(1) of the authorising local law, column 2 of schedule 5 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 5.

**9 Identification for cats and dogs in certain circumstances—Authorising local law, s 9**

For section 9 of the authorising local law, the identification required for a cat or dog that is at a place other than the address stated in the registration notice for the cat or dog is the registration device mentioned in section 12(3) of the *Animal Management (Cats and Dogs) Act 2008*.

**Part 3 Control of animals****10 Public places where animals are prohibited—Authorising local law, s 10(1)**

For section 10(1) of the authorising local law, the species or breeds of animals mentioned in column 2 of schedule 6 are prohibited in the public places described in column 1 of schedule 6.

**11 Dog off-leash areas—Authorising local law, s 11(1)**

For section 11(1) of the authorising local law, the areas described in schedule 7 are designated as dog off-leash areas.

**12 Animal faeces in public places—Authorising local law, s 13**

For section 13 of the authorising local law, no other animals are prescribed as animals whose faeces must be removed from a public place and disposed of in a sanitary way.

**13 Requirements for proper enclosures for keeping animals—Authorising local law, s 14(2)**

For section 14(2) of the authorising local law, column 2 of schedule 8 sets out the requirements for proper enclosures for an animal of the species or breed mentioned in column 1 of schedule 8.

**14 Koala conservation—Authorising local law, s 15**

- (1) For section 15(1) of the authorising local law, schedule 9 sets out the requirements for keeping a dog on land that is within a koala area.
- (2) For section 15(4) of the authorising local law, each area described in schedule 10 is designated as a koala area.

**15 Criteria for declared dangerous animals—Authorising local law, s 19(1)**

For section 19(1) of the authorising local law, the criteria for declaring an animal as a declared dangerous animal are set out in schedule 11.

**Part 4 Seizure, impounding or destruction of animals**

**16 Place of care for impounded animals—Authorising local law, s 24(b)**

*This section has been intentionally left blank*

**17 Animals that may be disposed of without auction or tender—Authorising local law, s 32(1)(b)**

For section 32(1)(b) of the authorising local law, the species, breeds or classes of animal that may be sold by private agreement, destroyed or disposed of in some other way are—

- (a) dogs; and
- (b) cats; and
- (c) birds; and
- (d) emus, ostriches; and
- (e) small domestic animals.

## **18 Register of impounded animals—Authorising local law, s 33(3)**

For section 33(3) of the authorising local law, the register of impounded animals will be kept at the local government’s public office.

## **Part 5 Appeals against destruction orders**

*This part in the authorising local law does not contain any matters to be provided for by subordinate local law.*

## **Part 6 Miscellaneous**

### **19 Conditions regarding sale of animals—Authorising local law, s 42(1)**

For the purposes of section 42(1) of the authorising local law, persons who offer for sale an animal of a species or breed mentioned in column 1 of schedule 12 must comply with the conditions set out in column 2 of schedule 12.

## **Dictionary**

### **20 Animals excluded from application of the local law—Authorising local law, schedule**

For the purposes of the definition of “*animal*” in the schedule to the authorising local law, the following species of animal are excluded from the application of the authorising local law—

- (a) Fish;
- (b) Insects;
- (c) Amphibians; and
- (d) Reptiles.

### **21 Species that are declared dangerous animals—Authorising local law, schedule**

For the purposes of the definition of “*declared dangerous animal*” in the schedule to the authorising local law, no species of animal is a declared dangerous animal.

## **22 Prescribed period for reclaiming animals—Authorising local law, schedule**

For the purposes of the definition of “*prescribed period*” in the schedule to the authorising local law, the period within which an animal may be reclaimed if the animal is —

- (a) registered with the local government is 5 days; or
- (b) not registered with the local government is 3 days,  
commencing on the day a notice of impounding is given to a person or, if no notice is given to a person, on the day of the seizure.

## **Part 7 Repeal Provision**

### **23 Repeal of Subordinate Local Laws**

The following subordinate local laws are repealed—

- (a) *Cook Shire Council Subordinate Local Law No. 6 (Keeping and Control of Animals) 2008*; and
- (b) *Cook Shire Council Subordinate Local Law No. 15 (Impounding of Animals) 2001*.



## Schedule 1 Prohibition on keeping animals

### Section 5

	<b>Column 1 Animal</b>	<b>Column 2 Circumstances in which keeping of animal or animals is prohibited</b>
1	Dog	<p>(a) Keeping more than 2 dogs over the age of 12 weeks on an allotment with an area less than or equal to 350 m<sup>2</sup> or in a multiple dwelling in an urban area is prohibited.</p> <p>(b) Keeping any of the following breeds, or cross breeds of any of the following breeds, are prohibited anywhere in the local government area—</p> <ul style="list-style-type: none"> <li>(i) American Pit Bull Terrier or Pit Bull Terrier; and</li> <li>(ii) Dogo Argentino; and</li> <li>(iii) Fila Brasileiro; and</li> <li>(iv) Japanese Tosa; and</li> <li>(v) Perro de Presa Canario or Presa Canario.</li> </ul>
2	Guard/Security Dog	Keeping more than 4 guard dogs over the age of 12 weeks at any one place is prohibited.
3	Livestock that is a horse, cattle, mule, donkey, buffalo, camel, deer, llama, and alpaca excluding stallions and bulls	Keeping a horse, cattle, mule, donkey, buffalo, camel, deer, llama, or alpaca in an urban area on an allotment with an area less than 5000 m <sup>2</sup> is prohibited.
5	Stallions & bulls	Keeping a stallion or bull in an urban area is prohibited.
6	Sheep & goats	Keeping a sheep or goat on an allotment with an area less than 2500 m <sup>2</sup> in an urban area is prohibited.
7	Pigs	<p>(a) Keeping in an urban area is prohibited.</p> <p>(b) Keeping more than 4 pigs over the age of 12 weeks on an allotment with an area less than 10,000 m<sup>2</sup> outside the urban area is prohibited</p>

8	Bees	<p>(a) Keeping a hive on an allotment with an area less than 400 m<sup>2</sup> in an urban area is prohibited.</p> <p>(b) Keeping more than 2 hives on an allotment with an area greater than 400 m<sup>2</sup> and less than 1000 m<sup>2</sup>.in an urban area is prohibited.</p> <p>(c) Keeping more than 5 hives on an allotment area greater than 1000 m<sup>2</sup> and less than 2000 m<sup>2</sup> in an urban area is prohibited.</p> <p>(d) Keeping more than 10 hives on an allotment area greater than 2000 m<sup>2</sup> and less than 4000 m<sup>2</sup> in an urban area is prohibited.</p>
9	Cockatoo, galah, corella, cockatiel, magpie and the like	Keeping more than 2 birds on an allotment with an area less than 2500 m <sup>2</sup> or in a multiple dwelling in an urban area is prohibited.
10	Caged Birds (Budgerigar, canary, finch, lovebirds, parrots and the like	Keeping more than 4 birds on an allotment with an area less than or equal to 350 m <sup>2</sup> in an urban area is prohibited.
11	Emu, Ostrich and the like	Keeping an emu or an ostrich in an urban area is prohibited.
12	Pigeons	Keeping Pigeons on an allotment with an area less than or equal to 350 m <sup>2</sup> or in a multiple dwelling in an urban area is prohibited.
13	Rooster, Peacock. Pea Hen, Guinea Fowl or Pheasant	Keeping a Rooster, Peacock. Pea Hen, Guinea Fowl or Pheasant in an urban area is prohibited.
14	Domestic Hens	<p>(a) Keeping a hen on an allotment with an area less than or equal to 350 m<sup>2</sup> or in a multiple dwelling in an urban area is prohibited.</p> <p>(b) Keeping more than 5 hens on an allotment with an area greater than 350 m<sup>2</sup> and less than 500 m<sup>2</sup> in an urban area is prohibited.</p>
15	Geese, Turkey, Ducks and the like	<p>(a) Keeping a goose turkey, duck or similar bird on an allotment with an area less than or equal to 350 m<sup>2</sup> or in a multiple dwelling in an urban area is prohibited.</p> <p>(b) Keeping more than 2 birds on an allotment with an area greater than 350 m<sup>2</sup> and less than 500 m<sup>2</sup> in an urban area is prohibited.</p>

**Schedule 2 Requirement for approval to keep animals<sup>1</sup>**

## Section 6

	<b>Column 1 Species or breed of animal</b>	<b>Column 2 Circumstances in which keeping of animal or animals requires approval</b>
1	Dog	Approval is required to keep— (a) up to 2 dogs in a multiple dwelling in an urban area; (b) 2 dogs on an allotment with an area less than or equal to 350 m <sup>2</sup> in an urban area; (c) 3 or more dogs over the age of 12 weeks on an allotment with an area greater than 350 m <sup>2</sup> in an urban area
	Guard/security dog	Approval is required to keep 1 or more guard/security dogs over the age of 12 weeks in an urban area.
3	Cats	Approval is required to keep 3 or more cats over the age of 12 weeks on an allotment in an urban area.
4	Livestock (Horse, cattle, mule, donkey, buffalo, camel, deer, llama, and alpaca excluding stallions and bulls)	Approval is required to keep livestock on an allotment with an area greater than 5000 m <sup>2</sup> in an urban area.
5	Stallions or bulls	Not applicable.
6	Sheep or goats	Approval is required to keep a sheep or goat on an allotment in an urban area with an area greater than 2500 m <sup>2</sup> .
7	Pigs	Approval is required to keep more than 4 pigs over the age of 12 weeks on an allotment with an area greater than 10,000 m <sup>2</sup> .
8	Bees	Approval is required to keep more than— (a) 2 hives on an allotment in an urban area with an area greater than 400 m <sup>2</sup> and less than 1000 m <sup>2</sup> ; (b) 5 hives on an allotment in an urban area with an area greater than 1000 m <sup>2</sup> and less than 2000 m <sup>2</sup> ; or (c) 10 hives on an allotment in an urban area with area greater than 2000 m <sup>2</sup> and less than 4000 m <sup>2</sup> .

<sup>1</sup> See *Local Law No.1 (Administration) 2016* and *Subordinate Local Law No.1 (Administration) 2016* in relation to the requirements and processes for approvals (e.g. form of application for approval, documents and materials that must accompany applications, criteria for granting approval, conditions that must be imposed on approvals, conditions that will ordinarily be imposed on approvals, term of approval, third party certification of applications).

9	Cockatoo, galah, corella, cockatiel and the like	Approval is required to keep more than 2 birds on an allotment in an urban area with an area greater than 2500 m <sup>2</sup> .
10	Caged birds (budgerigar, canary, finch, lovebirds, parrots and the like)	Approval is required to keep more than— (a) 10 birds on an allotment in an urban area with an area greater than 350 m <sup>2</sup> and less than 500 m <sup>2</sup> (b) 20 birds on an allotment in an urban area with an area greater than 500 m <sup>2</sup> .
11	Emu, ostrich and the like	Not applicable.
12	Pigeons	Approval is required to keep more than— (a) 10 birds on an allotment in an urban area with an area greater than 350 m <sup>2</sup> and less than 500 m <sup>2</sup> . (b) 20 birds on an allotment in an urban area with an area greater than 500 m <sup>2</sup> .
13	Rooster, peacock. pea hen, guinea fowl or pheasant	Not applicable.
14	Domestic hens	Approval is required to keep more than 10 domestic hens on an allotment in an urban area with an area greater than 500 m <sup>2</sup> in an urban area.
15	Geese, turkeys ducks and the like	Approval is required to keep more than 3 birds on an allotment in an urban area with an area greater than 500 m <sup>2</sup> .

## **Schedule 3 Requirement to desex animal**

Section 7

*This schedule has been intentionally left blank.*

## Schedule 4 Minimum standards for keeping animals generally

### Section 8(1)

- 1 The person keeping the animal must ensure that—
- (a) the animal does not—
    - (i) cause a nuisance; or
    - (ii) expose the health and safety of other persons and animals to significant risk; or
    - (iii) create a reasonable apprehension in the minds of other persons of a significant risk to health and safety of persons, other animals or that animal.
  - (b) waste waters from enclosures are drained in a nuisance free manner and that run-off is kept off adjoining land; and
  - (c) excreta, food scraps, and other material that is, or is likely to become, offensive is collected at least once in each day and, if not immediately disposed of, is kept in a fly proof container; and
  - (d) any enclosure in which an animal is kept is kept in a clean and sanitary condition, free from dust and odour and properly maintained in an aesthetically acceptable condition; and
  - (e) the area available to the animal kept on the premises is appropriately sized so that the animal can be effectively and comfortably kept; and
  - (f) any animal food is stored in an impervious fly proof and vermin proof receptacle or in an impervious fly proof and vermin proof storeroom facility; and
  - (g) all animals kept on the premises are provided with and have access to adequate shelter, drinking water and appropriate food; and
  - (h) any enclosure used for the purpose of keeping an animal is thoroughly cleaned each week and effectively treated with an insecticide at least twice a year; and
  - (i) upon discovering the existence of a dead animal, immediately dispose of the remains of the dead animal so as not to cause a nuisance. The remains must not be disposed of on or in a public place.

A nuisance occurs if an authorised officer considers there is sufficient evidence that people in nearby properties are being affected by the activity of the offending animal.

*Examples—*

*Animal noise is a nuisance if it disrupts a person:—*

- (a) *holding a conversation; or*
- (b) *watching television; or*
- (c) *listening to a radio or recorded material; or*
- (d) *sleeping.*

*An odour is a nuisance if caused by:—*

- (a) *an animal enclosure not being cleaned regularly; and/or*
- (b) *the waste from an animal enclosure not being disposed in an acceptable manner.*

## Schedule 5 Minimum standards for keeping particular animals

Section 8(2)

	<b>Column 1</b>	<b>Column 2</b>
	<b>Species or breed of animal</b>	<b>Minimum standards for keeping animals</b>
1	Dogs	No additional standards.
2	Guard/security dogs	No additional standards.
3	Cats	No additional standards.
4	Livestock (horse, cattle, mule, donkey, buffalo, camel, deer, llama, and alpaca excluding stallions and bulls)	<p>(a) Where the grazing behaviour of an animal is causing or is likely to cause damage to neighbouring property, the occupier of the land where the animal is kept shall take all reasonable measures to effectively isolate the animal from the property at risk, to the satisfaction of an authorised person.</p> <p><i>Reasonable measures may include the construction of a fence to achieve a 3 metre set-back from affected property boundaries. The fence is to be constructed to the satisfaction of an authorised person.</i></p> <p>(b) The density of animals is to be one animal per 5000 m<sup>2</sup>.</p>
5	Stallions and bulls	<i>No additional standards.</i>
6	Sheep and goats	The density of animals is to be one animal per 2500 m <sup>2</sup> .
7	Pigs	<i>No additional standards.</i>
8	Bees	The keeping of bees on an allotment must be conducted in accordance with the Code of Practice for Urban Beekeeping in Queensland.
9	Cockatoo, galah, corella, cockateil and the like	<i>No additional standards.</i>
10	Caged birds (budgerigar, canary, finch, lovebirds, parrots and the like)	<i>No additional standards.</i>
11	Emu, ostrich and the like	<i>No additional standards.</i>

12	Pigeons	Pigeons must be kept in accordance with any code of practice for the keeping of pigeons endorsed by a recognised pigeon racing or fancier association.
13	Rooster, peacock, peahen, guinea fowl or pheasant	No additional standards.
14	Domestic hens	No additional standards
15	Geese, turkey, ducks and the like	No additional standards



**Schedule 6 Prohibition of animals in public places**

Section 10

	<b>Column 1 Public place</b>	<b>Column 2 Species or breed of animals prohibited</b>
1	All Parks within the local government area	All animals, except— (a) Dogs that are under effective control of a person; or (b) an animal that is authorised under the conditions of an approval for a prescribed activity that authorises a person to bring the animal into the park.

## **Schedule 7 Dog off-leash areas**

Section 11

*This schedule has been intentionally left blank*

## Schedule 8 Requirements for proper enclosures for animals

### Section 13

	<b>Column 1 Species or breed of animal</b>	<b>Column 2 Requirements for proper enclosures</b>
1	All animals	<p>(a) The owner of an animal must provide an adequate restraint or proper enclosure to contain the animal on the owner's premises.</p> <p>(b) A proper enclosure is—</p> <ul style="list-style-type: none"> <li>(i) an area of land on the owner's premises that is suitably fenced and effectively encloses the animal on the land at all times other than when the owner allows the animal to leave the land under effective control;</li> <li>(ii) of sufficient dimensions having regard to the species, breed and size of the animal; and</li> <li>(iii) provides adequate shelter for all animals kept in the enclosure</li> </ul> <p>(c) A proper enclosure is suitably fenced if—</p> <ul style="list-style-type: none"> <li>(i) it is fully surrounded by a fence comprised of strong and firm materials and designed and constructed in such a way as to prevent the enclosed animal escaping from the enclosure over, under or through the fence;</li> <li>(ii) a part of a building or structure forms a section of the enclosure and does not have any openings through which the enclosed animal may escape from the enclosure; and</li> <li>(iii) a gate forms a section of the enclosure and the gate is kept closed and latched at all times other than when a person is effecting immediate entry to, or exit from, the enclosure.</li> </ul>
2	Dogs	<p>(a) The fence or enclosure must be constructed in such a way as to prevent the dog from climbing over the fence.</p> <p>(b) A barrier must be installed directly below the fence or enclosure which is adequate to prevent the dog digging its way out.</p>
3	Guard/security dogs	<p>(a) A guard/security dog must be kept behind a secure fence or enclosure which is adequate to prevent the dog from escaping and which is constructed to a standard approved by an authorised officer.</p>

	Guard/security dogs (continued)	<p>(b) An approved warning sign must be clearly displayed adjacent to each entrance to any property where guard/security dog is being kept or used. The sign shall prominently and permanently display in lettering not less than 50 mm in height on a background so as to be readily legible the following words— “BEWARE –GUARD/SECURITY DOG ON PREMISES”</p> <p>(c) A guard/security dog must be confined in a secure enclosure at all times when the public has access to the property where the guard dog is being held or used.</p>
3	Cats	The enclosure (including a building or structure) shall be such that it humanely prevents the cat from escaping from the premises.
4	Livestock (horse, cattle, donkey, mule, buffalo, camel, llama, and alpaca excludes stallions and bulls)	<p>(a) An enclosure must be constructed to prevent any such animal from going within 10 metres of:—</p> <p>(i) a dwelling (except any dwelling on the premises); and</p> <p>(ii) any premises used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages (other than a domestic kitchen used solely for domestic purposes by the owner of the animals).</p> <p>(b) An enclosure, which includes an open fenced area, must be sited a minimum distance of 2 metres from the premises boundary unless the boundary fence is not less than 2 metres high and the owners and occupier of the premises adjoining the boundary consent in writing.</p>
5	Stallions and bulls	<p>(a) An enclosure must be at least 1.8 metres in height and constructed so as to reasonably prevent the animal from escaping from the premises.</p> <p>(b) The enclosure must not be within twenty (20) metres of any residence on an adjoining premises and at least 2 metres from the boundary of any adjoining premises so the animal cannot reach through or over the boundary of the land on which it is kept.</p>

6	Sheep and goats	<p>(a) An enclosure must be constructed to prevent any such animal from going within 10 metres of—</p> <ul style="list-style-type: none"> <li>(i) any dwelling (except a dwelling on the premises); and</li> <li>(ii) any premises used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages (other than a domestic kitchen used solely for domestic purposes by the owner of the animals).</li> </ul> <p>(b) An enclosure, which includes an open fenced area, must be sited a minimum distance of 2 metres from the premises boundary unless the boundary fence is not less than 2 metres high and the owners and occupiers of the premises adjoining the boundary consent in writing.</p>
7	Pigs	<p>(a) A sty, yard, enclosure or paddock must—</p> <ul style="list-style-type: none"> <li>(i) have a roof and a concrete floor suitably graded to an outlet drain approved by an authorised person;</li> <li>(ii) have drains discharging to a disposal system approved by an authorised person;</li> <li>(iii) be kept clean and in a sanitary condition to the satisfaction of an authorised person; and</li> <li>(iv) Securely confine the pig.</li> </ul> <p>(b) Pigs must not be fed upon any floor or trough other than a floor or trough constructed of materials and to a design approved by an authorised person.</p> <p>(c) An enclosure, sty, yard, paddock must not be less than—</p> <ul style="list-style-type: none"> <li>(i) 90 metres from any dwelling, building under occupation, or where food for human consumption is stored (e.g. food shop); and</li> <li>(ii) 18 metres from an adjoining boundary, road or street;</li> </ul> <p>(d) Waste material, animal waste and drainage from the sty, yard, enclosure or paddock must not be permitted to enter other land, stormwater drains or natural water course.</p>
8	Bees	<p>A bee hive must—</p> <ul style="list-style-type: none"> <li>(a) not be closer than 2 metres from the property boundary; and</li> <li>(b) must be located at the rear of the premises behind the residence (if any) situated on the premises.</li> </ul>
9	Cockatoo, Galah, Corella and Cockatiel and the like	<p>The enclosure must not be closer than—</p> <ul style="list-style-type: none"> <li>(a) 25 metres of any residence on an adjoining premises; and</li> <li>(b) 2 metres from the boundary of any adjoining premises</li> </ul>

10	Caged Birds ( Budgerigar, Canary, Finch, Lovebirds, parrots, and the like)	The cage or aviary must— (a) not be closer than 2 metres from the property boundary; (b) be constructed to prevent the birds from escaping; and (c) prevent the spread of infectious disease, odour and infestations of vermin.
11	Emu, Ostrich & the like	(a) An enclosure must be constructed to prevent any such animal from going within 10 metres of:— (i) a dwelling (except any dwelling on the premises); and (ii) any premises used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages (other than a domestic kitchen used solely for domestic purposes by the owner of the animals).  (b) An enclosure, which includes an open fenced area, must be sited a minimum distance of 2 metres from the premises boundary unless the boundary fence is not less than 2 metres high and the owners and occupier of the premises adjoining the boundary consent in writing.
12	Pigeons	(a) The enclosure must not be closer than— (i) 2 metres from the property boundary; and (ii) 10 metres from any dwelling (except any dwelling on the premises); and (iii) 10 metres from any premises used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages (other than a domestic kitchen used solely for domestic purposes by the keeper of the birds).  (b) The enclosure must be located at the rear of the premises behind the residence (if any) situated on the premises.
13	Roosters, Peacock, Pea Hen, Guinea Fowl, Pheasants	(a) The enclosure must not be sited closer than 2 metres from the property boundary.  (b) The enclosure must be constructed to prevent any such bird from going within 10 metres of— (i) a dwelling (except any dwelling on the premises); and (ii) premises used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages (other than a domestic kitchen used solely for domestic purposes by the owner of the birds).

14	Domestic Hens	<p>(a) The enclosure must be constructed to prevent any such bird from going within 10 metres of a—</p> <ul style="list-style-type: none"> <li>(i) dwelling (except any dwelling on the premises);</li> <li>(ii) premises used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages (other than a domestic kitchen used solely for domestic purposes by the owner of the birds).</li> </ul> <p>(b) The enclosure must not be closer than 2 metres from the property boundary.</p> <p>(c) The enclosure must be located at the rear of the premises behind the residence (if any) situated on the premises.</p>
15	Geese, Turkey, Ducks and the like	<p>(a) An enclosure must be constructed to prevent any such animal from going within 10 metres of:—</p> <ul style="list-style-type: none"> <li>(i) a dwelling (except any dwelling on the premises);</li> <li>(ii) any premises used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages (other than a domestic kitchen used solely for domestic purposes by the owner of the animals).</li> </ul>

**Schedule 9 Requirements for keeping a dog in a koala area.**

Section 14(1)

*This schedule has been intentionally left blank.*



## **Schedule 10 Koala areas**

Section 14(2)

*This schedule has been intentionally left blank.*

## Schedule 11 Criteria for declared dangerous animals

### Section 15

1. A dangerous animal declaration may be made for an animal if—
  - (a) the animal has seriously attacked, or acted in a way that caused fear to, a person or another animal; or
  - (b) there is a high likelihood of the animal causing injury to a person or animal or damage to property, taking into account —
    - (i) its prior history of attacking or causing fear to persons or animals or damaging property; or
    - (ii) the extent of injury or damage that could potentially be inflicted by an animal of its size and species or breed; or
    - (iii) the authorised person's first-hand assessment of the animal has indicated that the animal has demonstrated aggressive tendencies; or
    - (iv) a high level of concern about the danger posed by the animal has been expressed by neighbours or other persons who have come into contact with the animal.

## **Schedule 12 Requirements for keeping declared dangerous animals**

### Section 12

- 1 Within 2 days of receiving a notice of the dangerous animal declaration, the responsible person for a declared dangerous animal must display a sign–
  - (a) at every entrance to the premises where the animal is kept; and
  - (b) that is visible to all persons entering the premises; and
  - (c) that predominantly and permanently displays in lettering not less than 50 millimetres in height on a background so as to be readily legible, the words “BEWARE DECLARED DANGEROUS ANIMAL ON PREMISES”.
  
- 2 Within 28 days of receiving notice of the dangerous animal declaration, the responsible person must provide an enclosure on the person’s premises that ensures that the animal is prevented from causing injury to any person or animal or damage to any property.

## **Schedule 13    Conditions of sale of animals.**

Section 19

*This schedule has been intentionally left blank.*

## Schedule 14 Dictionary

### Section 4

**allotment** means a single parcel of land, or several contiguous parcels of land that are in the same ownership or occupation.

**guard/security dog** means a dog which is released on commercial premises without a handler for the purpose or apparent purpose of acting as a deterrent to intruders.

**Multiple dwelling** means—

- (a) a residence which forms part of a group of 2 or more residences in circumstances where 2 or more of the residences of the group are directly adjacent to each other and share—
  - (i) a common wall; or
  - (ii) a ceiling in circumstances where 1 residence is directly under the floor of another residence; and
- (b) a residence situated on a lot which forms part of a community titles scheme as defined in the *Body Corporate and Community Management Act 1997*.

*Examples of multiple dwellings—*

*Flats, boarding houses, tenement buildings, home units, townhouses and duplexes.*

**Urban area** has the same meaning given to that term in the *Sustainable Planning Regulation 2009*, schedule 26.